

REMARKS

Claims 1-13 and 39-52 are pending in this application with claims 1 and 39 being independent. Reconsideration in view of the following remarks is kindly requested.

A.) The Section 103 Rejections Based on Yin and Gallant

Claims 1-12, 39-50 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,982,748 to Yin et al. ("Yin") in view of U.S. Patent Application Publication No. US 2001/0026553 to Gallant et al. ("Gallant"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

The Examiner admits that Yin does not disclose the feature of assigning each class a unique overbooking factor to ensure that no two service classes have an identical overbooking factor, as in claims 1-13 and 39-52 of the present invention. To overcome these deficiencies, the Examiner cites Gallant. However, Gallant does not do so.

Referring to paragraph 163, Gallant, discloses that COS and direction-specific overbooking factors are applied to bandwidth requirements. Referring further to paragraph 154, each COS includes forward and backward directions. Thus, there are at least two direction-specific overbooking factors in assigned to each COS. In contrast, only one unique overbooking factor is assigned to each service class in the claims of the present invention.

Accordingly, Applicants respectfully submit that claims 1-13 and 39-52 are patentable over a combination of Yin and Gallant.

B.) The Section 103 Rejections Based on Yin, Gallant and Huang

Claims 13 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yin in view of Gallant, further in view of U.S. patent No. 6,608,815 to Huang et al. ("Huang").

Initially it is noted that claim 13 depends from claim 1 and claim 51 depends from claim 39. In addition, it is noted that Huang does not make up for the deficiencies of Yin and Gallant discussed above.

Accordingly, Applicants respectfully submit that claims 13 and 51 are patentable over a combination of Yin, Gallant and Huang for the reasons set above with respect to claims 1 and 39.

CONCLUSION

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-13 and 39-52.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

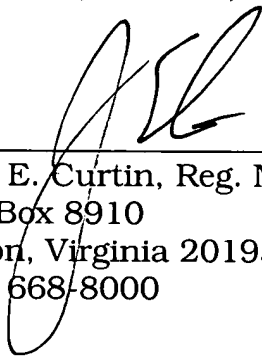
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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